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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

ROBERT LESTER,
Plaintiff,

Case No. 3:31-CV-01061

v.

NOTICE OF REMOVAL

KULWANT SINGH and NEW LEGEND
INC., a foreign business corporation,
Defendants.

Pursuant to 28 U.S.C. §§ 1332 and 1441, Defendants Kulwant Singh (“Defendant Singh”) and New Legend Inc. (“New Legend”) (collectively, “Defendants”), by and through counsel, file this Notice of Removal of this case from the Circuit Court of the State of Oregon for the County of Multnomah to the United States District Court of Oregon, Portland Division. This Notice of Removal is supported by the accompanying Declaration of Manny Singh in Support of Defendants’ Notice of Removal (“Singh Declaration”). In support of this Notice of Removal, Defendants state as follows:

1. On or about June 18, 2021, Plaintiff Robert Lester (“Plaintiff”) a filed a complaint in the Multnomah County Circuit Court against Defendants, attached to this Notice as Exhibit 1. Plaintiff alleges claims for negligence relating to an accident that occurred on July 2, 2019, in Portland, Multnomah County, Oregon.

2. This Court has jurisdiction pursuant to 28 USC § 1332. There is complete diversity between the parties.

3. Upon information and belief, Plaintiff is domiciled in Oregon. Singh Declaration ¶ 2.

4. New Legend is a business corporation organized under the laws of the State of California with its principal place of business in California. Singh Declaration ¶ 3.

5. At all material times, Defendant Singh was an employee of New Legend. Singh Declaration, ¶ 4. At the time Plaintiff’s complaint was filed, Defendant Singh was domiciled in California. *Id.* An individual is a citizen of the state in which they have their domicile, *i.e.*, a permanent home where they intend to remain. *Kanter v. Warner-Lambert Co.*, 265 F3d 853, 857 (9th Cir 2001).

6. The amount in controversy exceeds the Court’s jurisdictional threshold of \$75,000. In their Complaint, plaintiff seeks damages in excess of \$869,000. Exhibit 1, ¶¶ 10-12.

7. Venue in this Court is proper as the Complaint was filed in Oregon.

8. This Notice of Removal is being filed within 30 days of Defendants having obtained a copy of the initial pleading that was filed on June 18, 2021. It is therefore timely filed. *See* 28 U.S.C. § 1446(b).

9. This Notice of Removal will be contemporaneously served on Plaintiff. A *Notice of Removal to Federal Court* (attached as Exhibit 2) will be filed in the Multnomah County

Circuit Court as soon as this Notice of Removal has been filed in this Court.

WHEREFORE, Defendants pray that this action be and remain removed from the Multnomah County Circuit Court and that this Court accept jurisdiction, with venue in the Portland Division.

DATED this 16th day of July, 2021.

SUSSMAN SHANK LLP

By /s/ Hansary Laforest

Derek J. Ashton, OSB 871552
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(503) 227-1111

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on July 16, 2021, I caused to be served a full and exact copy of the foregoing **NOTICE TO OF REMOVAL** on the following persons:

James W. Hendry, OSB 832350
Brownstein Rask LLP
1 SW Columbia Street, Suite 900
Portland, OR 97204
jhendry@brownsteinrask.com
Attorneys for Plaintiff

by the following indicated method(s):

- ☒ First Class Mail, postage prepaid, deposited in the US mail at Portland, OR
- ☐ Hand delivery
- ☐ Facsimile transmission
- ☐ Overnight delivery
- ☒ Email (courtesy copy)
- ☒ Electronic filing notification

Dated: July 16, 2021

/s/ Hansary Laforest

Derek J. Ashton, OSB 871552
Hansary Laforest, OSB No. 182698